

EXHIBIT D

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:17-cv-00854-TDS-LPA

REBECCA KOVALICH and SUZANNE
NAGELSKI,

Plaintiffs,

vs.

PREFERRED PAIN MANAGEMENT & SPINE
CARE, P.A., DR. DAVID SPIVEY,
individually, and SHERRY SPIVEY,
individually,

Defendants.

CONFIDENTIAL

30(b)(6) DEPOSITION

OF

PREFERRED PAIN MANAGEMENT & SPINE CARE, P.A.

By and Through Its Representative

WENDY YONTZ

VOLUME I

At Winston-Salem, North Carolina

Tuesday, August 28, 2018

REPORTER: ELAINE F. HAYES
Notary Public

REED & ASSOCIATES
2401 Whirlaway Court
Matthews, NC 28105
980-339-3575

1 my question before. He was part of the -- his
2 termination was part of the reorganization?

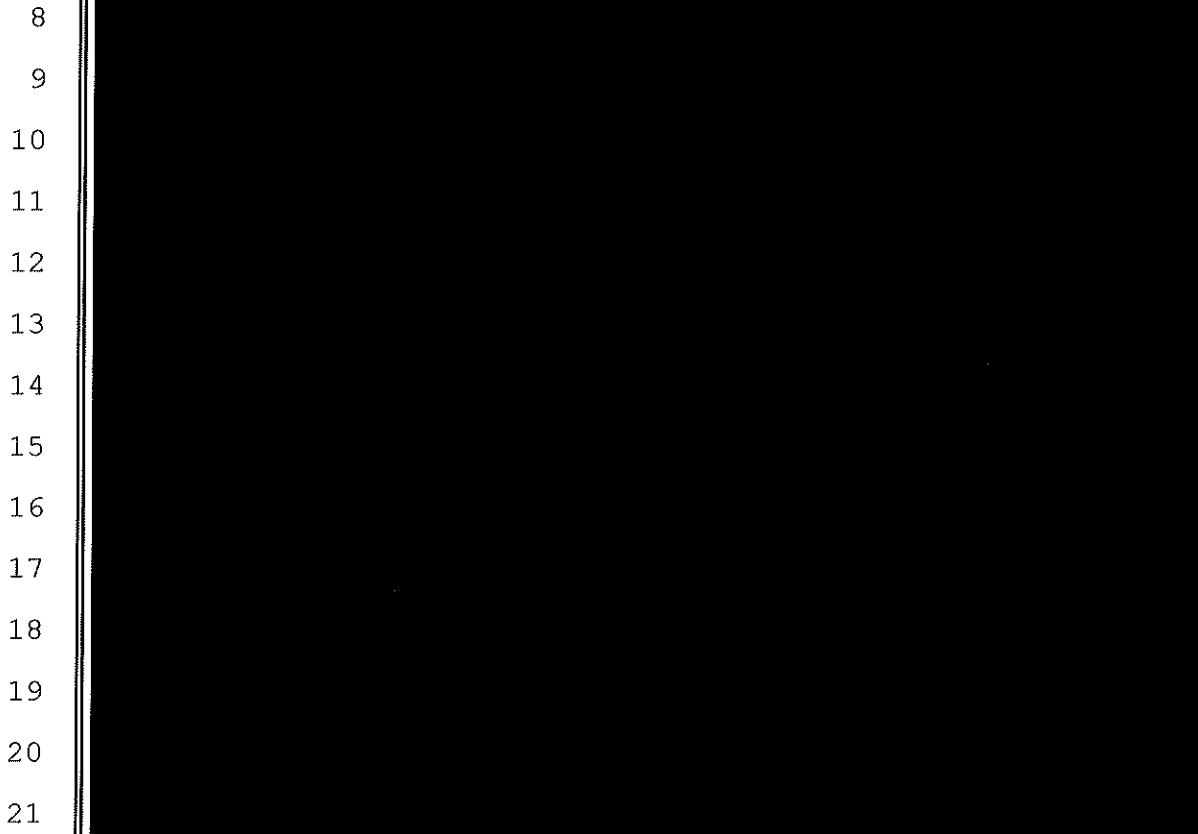
3 A. Yes.

4 Q. Who were the decision-makers?

5 A. Vicki Swicegood.

6 Q. Anyone else?

7 A. Not that I have a record of.



22 Q. All right. Now turning to the list, Exhibit 28 --
23 from this list --

24 MS. SMITH: And you're talking about
25 Exhibit 28?

1 A. Like I stated a moment ago, the IT part was
2 outsourced, and then the HR was needed in-house.

3 Q. Wendy Yontz took over Suzanne Nagelski's HR duties in
4 November of 2015, correct?

5 A. Correct.

6 Q. Was Rebecca Kovalich's termination part of the reorg?

7 A. Yes.

8 Q. Who were the decision-makers?

9 A. Dr. Spivey, and he consulted with Mary Benton.

10 Q. And why was Ms. Kovalich selected?

11 A. That position was eliminated.

12 Q. Did anyone else have input into the decision to
13 eliminate that position?

14 A. No.

15 [REDACTED]
16 [REDACTED]

17 Q. Who were the decision-makers?

18 A. Dr. Spivey, Sherry Spivey, and Meg Shipley, attorney,
19 was present.

20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

1 that there was no one doing the coordinator position
2 in the Greensboro office?

3 A. Correct.

4 Q. Did anyone do the duties that he did prior to his
5 termination?

6 A. I would need to review his file.

7 Q. Okay. We'll do that later.

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11 Q. Who were the decision-makers?

12 A. Dr. Spivey, and he consulted with Mary Benton.

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By and Through Its Representative

WENDY YONTZ

VOLUME II

At Winston-Salem, North Carolina

Wednesday, August 29, 2018

REPORTER: ELAINE F. HAYES
Notary Public

REED & ASSOCIATES
2401 Whirlaway Court
Matthews, NC 28105
980-339-3575

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3 A. I sat in on the interview.

4 Q. With who?

5 A. Betty Webb.

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14 Q. All right. So we have some stuff to supplement on
15 that, but, you know, we'll take that up and get it
16 done by next week.

17 The last thing we'll do is we'll just go
18 through -- we don't need to go through every one, but
19 we're going to go through the people from topic 1 who
20 were part of the reorg, and I'll give you the name.

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[REDACTED]

A. Like a greeting desk.

Q. Was she the front desk?

A. She was at the front entrance.

Q. Is there anybody at the front entrance greeting desk today?

A. No.

Q. All right.

A. May I go back to a few that we discussed yesterday that I realized I was confused on?

Q. Sure.

[REDACTED]